

## EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2007-1600-PST-E TCEQ ID: RN101572444 CASE NO.: 34736

RESPONDENT NAME: INTERGLOBE TRADE CHANNEL, INC. AKA F & H STATION, INC. DBA  
DOSSANI FOOD MART

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATION(S) OCCURRED:** 601 South Denton Drive, Lake Dallas, Denton County

**TYPE OF OPERATION:** convenience store with retail sales of gasoline

**SMALL BUSINESS:** ☒ Yes ☐ No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired October 5, 2009. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

**TCEQ Enforcement Coordinator:** Ms. Judy Kluge, Waste Enforcement Section, MC R-4, (817) 588-5825

**TCEQ Regional Contact:** Mr. Sam Barrett, Dallas/Fort Worth Regional Office, MC R-4, (817) 588-5903

**Respondent:** Mr. Faisal Dossani, Director, Interglobe Trade Channel, Inc. aka F & H Station, Inc., 601 South Denton Drive, Lake Dallas, Texas 75065

**Respondent's Attorney:** Not represented by counsel on this enforcement matter.

## VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint</p> <p><input checked="" type="checkbox"/> Routine</p> <p><input type="checkbox"/> Enforcement Follow-up</p> <p><input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> N/A</p> <p><b>Date of Investigation Relating to this Case:</b> August 21, 2007</p> <p><b>Date of NOE Relating to this Case:</b> September 28, 2007</p> <p><b>Background Facts:</b> The case was received by the Litigation Division on March 19, 2008. The EDPRP was filed on May 15, 2008. The Respondent filed an answer and the case was referred to SOAH. The preliminary hearing was held and the parties engaged in discovery. Settlement was achieved and a signed Agreed Order was received on July 21, 2009.</p> <p><b>Current Compliance Status:</b> The Respondent has not yet submitted documentation to certify compliance with the technical requirements.</p> <p><b>PST:</b></p> <p>1. Failed to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances, failed to provide release detection for the piping associated with the USTs, and failed to test the line leak detectors at least once per year for performance and operational reliability [30 TEX. ADMIN. CODE § 334.50(a)(1)(A), (b)(2), and (b)(2)(A)(i)(III), and TEX. WATER CODE § 26.3475(a) and (c)(1)].</p> <p>2. Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel [30 TEX. ADMIN. CODE § 334.48(c)].</p> <p>3. Failed to provide an amended UST registration to the Commission for any change of additional information regarding USTs within 30 days from the date of the occurrence of the change or addition. Also, failed to timely renew a previously issued UST delivery certificate by</p>	<p><b>Total Assessed:</b> \$27,430</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Order</p> <p><input type="checkbox"/> Financial Inability to Pay</p> <p><input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid/Due to General Revenue:</b> \$970/\$26,460</p> <p>The Respondent paid \$970 of the administrative penalty. The remaining amount of \$26,460 shall be payable in 35 monthly payments of \$756 each.</p> <p><b>Site Compliance History Classification</b> <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b> <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent performed the following corrective actions at the Station:</p> <ol style="list-style-type: none"> <li>1. Successfully conducted the required piping tightness and line leak detector tests as of August 24, 2007 (violation no. 1).</li> <li>2. Submitted an amended registration and obtained a TCEQ delivery certificate on August 24, 2007 (violation nos. 3 and 4).</li> <li>3. Provided the TCEQ Dallas/Fort Regional Office Stage II records including a copy of the Stage II daily inspection logs as of September 19, 2007 (violation no. 7).</li> <li>4. Completed Station representative training, and all current employees received in-house Stage II vapor recovery training as of September 28, 2007 (violation no. 8).</li> <li>5. Successfully conducted the required annual testing of the Stage II equipment as of October 11, 2007 (violation no. 9).</li> <li>6. Upgraded the Stage II equipment to onboard refueling vapor recovery ("ORVR") compatible systems on October 11, 2007 (violation no. 10).</li> </ol> <p><b>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>1. Immediately: <ol style="list-style-type: none"> <li>a. Begin conducting effective manual or automatic inventory control procedures for all USTs; and</li> <li>b. Ensure shear valves are installed and securely anchored at the base of each dispenser.</li> </ol> </li> <li>2. Within 30 days: <ol style="list-style-type: none"> <li>a. Implement a release detection method for all USTs at the Station;</li> <li>b. Ensure that corrosion protection is in place for all underground components of the underground UST system; and</li> <li>c. Begin maintaining the Stage II vapor recovery system in proper operating condition, this shall include post operating instructions at each fueling point.</li> </ol> </li> </ol>

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date [30 TEX. ADMIN. CODE §§ 334.7(d)(3) and 334.8(c)(5)(B)(ii)].</p> <p>4. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)].</p> <p>5. Failed to install an emergency shutoff valve (shear valve or impact valve) on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser [30 TEX. ADMIN. CODE § 334.45(c)(3)(A)].</p> <p>6. Failed to provide corrosion protection to all underground components of an UST system which is designed or used to convey, contain, or store regulated substances [30 TEX. ADMIN. CODE § 334.49(b)(2) and TEX. WATER CODE § 26.3475(d)].</p> <p>7. Failed to maintain Stage II records at the Station and make them available for review upon request by agency personnel [30 TEX. ADMIN. CODE § 115.246(6) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>8. Failed to ensure that at least one Station representative received training in the operation and maintenance of the Stage II Vapor Recovery System, and each current employee receives in-house Stage II vapor recovery training regarding the purpose and correct operation of the vapor recovery equipment [30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>9. Failed to verify proper operation of the Stage II equipment at least once every 12 months [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>10. Failed to upgrade the Stage II equipment to Onboard Refueling Vapor Recovery ("ORVR") compatible systems, and failed to post operating instructions conspicuously on the front of each gasoline dispensing pump [30 TEX. ADMIN. CODE § 115.242(1)(C) and (9) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		<p>3. Within 45 days, submit written certification demonstrating compliance.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	1-Oct-2007	<b>Screening</b>	3-Oct-2007	<b>EPA Due</b>	
	<b>PCW</b>	5-Mar-2008				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Interglobe Trade Channel, Inc. dba Dossani Food Mart		
<b>Reg. Ent. Ref. No.</b>	RN101572444		
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	34736	<b>No. of Violations</b>	10
<b>Docket No.</b>	2007-1600-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Enf. Coordinator</b>	Judy Kluge
<b>Multi-Media</b>		<b>EC's Team</b>	EnforcementTeam 6
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$19,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **37% Enhancement** **Subtotals 2, 3, & 7** **\$7,030**

**Notes** Enhancement for one prior 1660 Order, one prior NOV with same or similar violations, one dissimilar NOV, and poor performer classification.

**Culpability** **No** **0% Enhancement** **Subtotal 4** **\$0**

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** **0% Reduction** **Subtotal 5** **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

**Notes** The Respondent does not meet the good faith criteria.

**0% Enhancement\*** **Subtotal 6** **\$0**  
Total EB Amounts **\$1,728**  
Approx. Cost of Compliance **\$10,050**  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$26,030**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **5%** **Adjustment** **\$1,400**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes** Recommended enhancement to capture the avoided cost associated with violation nos 1 and 9.

**Final Penalty Amount** **\$27,430**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$27,430**

**DEFERRAL** **0% Reduction** **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes** Deferral not offered for non-expedited settlement.

**PAYABLE PENALTY** **\$27,430**

Screening Date 3-Oct-2007

Docket No. 2007-1600-PST-E

PCW

Respondent Interglobe Trade Channel, Inc. dba Dossani Food Mart

Policy Revision 2 (September 2002)

Case ID No. 34736

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101572444

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
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NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 27%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Poor Performer

Adjustment Percentage (Subtotal 7) 10%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for one prior 1660 Order, one prior NOV with same or similar violations, one dissimilar NOV, and poor performer classification.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 37%

<b>Screening Date</b> 3-Oct-2007		<b>Docket No.</b> 2007-1600-PST-E		<b>PCW</b>
<b>Respondent</b> Interglobe Trade Channel, Inc. dba Dossani Food Mart		<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b> 34736		<i>PCW Revision September 19, 2007</i>		
<b>Reg. Ent. Reference No.</b> RN101572444				
<b>Media [Statute]</b> Petroleum Storage Tank				
<b>Enf. Coordinator</b> Judy Kluge				
<b>Violation Number</b>		<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: center;">1</div>		
<b>Rule Cite(s)</b>		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 334.50(a)(1)(A), (b)(2), and (b)(2)(A)(i)(III) and Tex. Water Code § 26.3475(a) and (c)(1)</div>		
<b>Violation Description</b>		<div style="border: 1px solid black; padding: 5px;">Failed to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances, failing to provide release detection for the piping associated with the USTs, and failing to test the line leak detectors at least once per year for performance and operational reliability.</div>		
<b>Base Penalty</b>				<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$10,000</div>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
	Potential	x	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
				<b>Percent</b> <div style="border: 1px solid black; padding: 2px; width: 50px; text-align: right;">25%</div>
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
				<b>Percent</b> <div style="border: 1px solid black; padding: 2px; width: 50px; text-align: right;">0%</div>
<b>Matrix Notes</b>	<div style="border: 1px solid black; padding: 5px;">Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.</div>			
<b>Adjustment</b>				<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$7,500</div>
				<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$2,500</div>
<b>Violation Events</b>				
<b>Number of Violation Events</b>		<div style="border: 1px solid black; padding: 2px; width: 50px; text-align: center;">1</div>	<div style="border: 1px solid black; padding: 2px; width: 50px; text-align: center;">43</div>	<b>Number of violation days</b>
<i>mark only one with an x</i>	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	quarterly	x		
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	single event	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
				<b>Violation Base Penalty</b> <div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$2,500</div>
<div style="border: 1px solid black; padding: 5px; margin-top: 10px;">One quarterly event is recommended based on documentation of the violation during the August 21, 2007 investigation to the October 3, 2007 screening date.</div>				
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>		<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$1,143</div>	<b>Violation Final Penalty Total</b> <div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$3,609</div>	
			<b>This violation Final Assessed Penalty (adjusted for limits)</b> <div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$3,609</div>	

## Economic Benefit Worksheet

**Respondent** Interglobe Trade Channel, Inc. dba Dossani Food Mart

**Case ID No.** 34736

**Reg. Ent. Reference No.** RN101572444

**Media** Petroleum Storage Tank

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	21-Aug-2007	3-Apr-2008	0.6	\$46	n/a	\$46

**Notes for DELAYED costs**

Estimated cost to provide a method of release detection for the USTs and to conduct proper inventory control procedures. The date required is the investigation date and the final date is the expected date of compliance.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	21-Aug-2006	24-Aug-2007	1.9	\$96	\$1,000	\$1,096
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Estimated cost of conducting annual line leak detector and piping tightness tests. The date required is one year prior to the investigation date and the final date is the compliance date.

**Approx. Cost of Compliance**

**\$2,500**

**TOTAL**

**\$1,143**

<b>Screening Date</b> 3-Oct-2007 <b>Respondent</b> Interglobe Trade Channel, Inc. dba Dossani Food Mart <b>Case ID No.</b> 34736 <b>Reg. Ent. Reference No.</b> RN101572444 <b>Media [Statute]</b> Petroleum Storage Tank <b>Enf. Coordinator</b> Judy Kluge <b>Violation Number</b> <input type="text" value="2"/> <b>Rule Cite(s)</b> <input type="text" value="30 Tex. Admin. Code § 334.48(c)"/>	<b>Docket No.</b> 2007-1600-PST-E <b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision September 19, 2007</i>																				
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mark only one with an x	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </tbody> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	x	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>								
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semiannual	<input type="text"/>																				
annual	<input type="text"/>																				
single event	<input type="text"/>																				
<b>Violation Base Penalty</b> <input style="width: 100px;" type="text" value="\$2,500"/>																					
One quarterly event is recommended based on documentation of the violation during August 21, 2007 investigation to the October 3, 2007 screening date.																					
<b>Economic Benefit (EB) for this violation</b>																					
<table style="width: 100%;"> <tr> <td style="width: 50%;">Estimated EB Amount <input style="width: 100px;" type="text" value="\$15"/></td> <td style="width: 50%; text-align: right;"> <b>Statutory Limit Test</b>            Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$3,609"/> </td> </tr> <tr> <td colspan="2" style="text-align: right; padding-top: 10px;"> <b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width: 100px;" type="text" value="\$3,609"/> </td> </tr> </table>		Estimated EB Amount <input style="width: 100px;" type="text" value="\$15"/>	<b>Statutory Limit Test</b> Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$3,609"/>	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width: 100px;" type="text" value="\$3,609"/>																	
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## Economic Benefit Worksheet

Respondent Interglobe Trade Channel, Inc. dba Dossani Food Mart

Case ID No. 34736

Reg. Ent. Reference No. RN101572444

Media Petroleum Storage Tank

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	21-Aug-2007	3-Apr-2008	0.6	\$15	n/a	\$15
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct inventory control for all USTs involved in the retail sale of petroleum substances used as motor fuel. The date required is the date of the investigation and the final date is the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$15

Screening Date 3-Oct-2007

Docket No. 2007-1600-PST-E

PCW

Respondent Interglobe Trade Channel, Inc. dba Dossani Food Mart

Policy Revision 2 (September 2002)

Case ID No. 34736

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101572444

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 334.7(d)(3) and 334.8(c)(5)(B)(ii)

## Violation Description

Failed to provide an amended UST registration to the Commission for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition. Specifically, the Station's UST registration had not been updated to reflect the current owner of the UST system. Also, failed to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on April 30, 2007.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 1 3 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,000

One single event is recommended based on documentation of the violation during the August 21, 2007 investigation.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$1,444

This violation Final Assessed Penalty (adjusted for limits) \$1,444

## Economic Benefit Worksheet

Respondent Interglobe Trade Channel, Inc. dba Dossani Food Mart

Case ID No. 34736

Reg. Ent. Reference No. RN101572444

Media Petroleum Storage Tank

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	31-Mar-2007	24-Aug-2007	0.4	\$10	n/a	\$10
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit an amended UST registration form to the TCEQ. The date required is 30 days before the expiration of the delivery certificate and the final date is the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$10

Screening Date 3-Oct-2007

Docket No. 2007-1600-PST-E

PCW

Respondent Interglobe Trade Channel, Inc. dba Dossani Food Mart

Policy Revision 2 (September 2002)

Case ID No. 34736

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101572444

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)

Violation Description

Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, review of the Station's fuel delivery manifests indicated that the Station had received eight deliveries of regulated substance without a delivery certificate.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,500

\$500

## Violation Events

Number of Violation Events 8

66 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$4,000

Eight single events (one event per drop) are recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$5,775

This violation Final Assessed Penalty (adjusted for limits) \$5,775

## Economic Benefit Worksheet

**Respondent** Interglobe Trade Channel, Inc. dba Dossani Food Mart

**Case ID No.** 34736

**Reg. Ent. Reference No.** RN101572444

**Media** Petroleum Storage Tank

**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit included in Violation No. 3.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 3-Oct-2007

Docket No. 2007-1600-PST-E

PCW

Respondent Interglobe Trade Channel, Inc. dba Dossani Food Mart

Policy Revision 2 (September 2002)

Case ID No. 34736

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101572444

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 334.45(c)(3)(A)

Violation Description

Failed to install an emergency shutoff valve (aka shear or impact valve) on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser. Specifically, the shear valves underneath all dispensers were not anchored.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to a significant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 1

43 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

One quarterly event is recommended based documentation of the violation during the August 21, 2007 investigation to the October 3, 2007 screening date.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$1,444

This violation Final Assessed Penalty (adjusted for limits) \$1,444

## Economic Benefit Worksheet

**Respondent** Interglobe Trade Channel, Inc. dba Dossani Food Mart

**Case ID No.** 34736

**Reg. Ent. Reference No.** RN101572444

**Media** Petroleum Storage Tank

**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
<b>Delayed Costs</b>							
Equipment	\$100	21-Aug-2007	3-Apr-2008	0.6	\$0	\$4	\$4
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to securely anchor all emergency shutoff valves at the base of the dispensing unit. The date required is the date of the investigation and the final date is the expected date of compliance.

<b>Avoided Costs</b>							
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$100

**TOTAL**

\$4

Screening Date 3-Oct-2007

Docket No. 2007-1600-PST-E

PCW

Respondent Interglobe Trade Channel, Inc. dba Dossani Food Mart

Policy Revision 2 (September 2002)

Case ID No. 34736

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101572444

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 334.49(b)(2) and Tex. Water Code § 26.3475(d)

Violation Description

Failed to provide corrosion protection to all underground components of an UST system which is designed or used to convey, contain, or store regulated substances. Specifically, there was no corrosion protection installed on the submersible pumps, which were completely full of groundwater.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

43 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended based on documentation of the violation during the August 21, 2007 investigation to the October 3, 2007 screening date.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$74

Violation Final Penalty Total \$3,609

This violation Final Assessed Penalty (adjusted for limits) \$3,609



**Economic Benefit Worksheet****Respondent** Interglobe Trade Channel, Inc. dba Dossani Food Mart**Case ID No.** 34736**Reg. Ent. Reference No.** RN101572444**Media** Petroleum Storage Tank**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

**Item Cost**    **Date Required**    **Final Date**    **Yrs**    **Interest Saved**    **Onetime Costs**    **EB Amount**  
**Item Description**    No commas or \$

**Delayed Costs**

Equipment	\$1,500	21-Aug-2007	3-May-2008	0.7	\$4	\$70	\$74
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to provide cathodic protection to all underground metal components of the UST system. The date required is the date of the investigation and the final date is the expected date of compliance.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs****Approx. Cost of Compliance**

\$1,500

**TOTAL**

\$74

<b>Screening Date</b>	3-Oct-2007	<b>Docket No.</b>	2007-1600-PST-E	<b>PCW</b>
<b>Respondent</b>	Interglobe Trade Channel, Inc. dba Dossani Food Mart			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	34736			<i>PCW Revision September 19, 2007</i>
<b>Reg. Ent. Reference No.</b>	RN101572444			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Judy Kluge			
<b>Violation Number</b>	7			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 115.246(6) and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to maintain Stage II records at the Station and make them available for review upon request by agency personnel. Specifically, the daily inspection records for the Stage II Vapor Recovery System were not available.			

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	<b>Actual</b>				<b>Percent</b> 0%
<b>Potential</b>					

## &gt;&gt; Programmatic Matrix

	<b>Falsification</b>	Major	Moderate	Minor	
		x			<b>Percent</b> 10%
<b>Matrix Notes</b>	100% of the rule requirement was not met.				

Adjustment \$9,000

\$1,000

## Violation Events

		1	29	Number of violation days	
<i>mark only one with an x</i>	daily				<b>Violation Base Penalty</b> \$1,000
	monthly				
	quarterly				
	semiannual				
	annual				
	single event		x		

One single event is recommended based on documentation of the violation during the August 21, 2007 investigation.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$2 Violation Final Penalty Total \$1,444

This violation Final Assessed Penalty (adjusted for limits) \$1,444

## Economic Benefit Worksheet

Respondent Interglobe Trade Channel, Inc. dba Dossani Food Mart

Case ID No. 34736

Reg. Ent. Reference No. RN101572444

Media Petroleum Storage Tank

Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	21-Aug-2007	19-Sep-2007	0.1	\$2	n/a	\$2
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain records at the Station. The date required is the investigation date and the final date is the compliance date.

<b>Avoided Costs</b>	<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$2

Screening Date 3-Oct-2007

Docket No. 2007-1600-PST-E

PCW

Respondent Interglobe Trade Channel, Inc. dba Dossani Food Mart

Policy Revision 2 (September 2002)

Case ID No. 34736

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101572444

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 115.248(1) and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to ensure that at least one Station representative received training in the operation and maintenance of the Stage II Vapor Recovery System, and each current employee receives in-house Stage II vapor recovery training regarding the purpose and correct operation of the vapor recovery equipment. Specifically, Stage II training for the Station representative and the employees had not been completed.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			
Potential		x	

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

## Violation Events

1

38

Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended based on documentation of the violation during the August 21, 2007 investigation to the September 28, 2007 compliance date.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$1,444

This violation Final Assessed Penalty (adjusted for limits) \$1,444

## Economic Benefit Worksheet

**Respondent** Interglobe Trade Channel, Inc. dba Dossani Food Mart  
**Case ID No.** 34736  
**Reg. Ent. Reference No.** RN101572444  
**Media** Petroleum Storage Tank  
**Violation No.** 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$500	21-Aug-2007	28-Sep-2007	0.1	\$3	n/a	\$3
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of training Stage II Station representative. The date required is the investigation date and the final date is the date of compliance.

<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$3

Screening Date 3-Oct-2007

Docket No. 2007-1600-PST-E

PCW

Respondent Interglobe Trade Channel, Inc. dba Dossani Food Mart

Policy Revision 2 (September 2002)

Case ID No. 34736

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101572444

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 115.245(2) and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to verify proper operation of the Stage II equipment at least once every 12 months. Specifically, the Stage II annual system compliance testing had not been conducted.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

365 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

Violation Base Penalty \$2,500

One annual event is recommended for the 12 month period preceding the August 21, 2007 investigation.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$438

Violation Final Penalty Total \$3,609

This violation Final Assessed Penalty (adjusted for limits) \$3,609

## Economic Benefit Worksheet

**Respondent** Interglobe Trade Channel, Inc. dba Dossani Food Mart

**Case ID No.** 34736

**Reg. Ent. Reference No.** RN101572444

**Media** Petroleum Storage Tank

**Violation No.** 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**
**Avoided Costs**
**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$400	21-Aug-2006	21-Aug-2007	1.9	\$38	\$400	\$438
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Actual cost for annual testing to verify proper operation of the Stage II equipment. The date required is one year prior to the investigation date and the final date is the investigation date.

**Approx. Cost of Compliance**
**\$400**
**TOTAL**
**\$438**

<b>Screening Date</b> 3-Oct-2007		<b>Docket No.</b> 2007-1600-PST-E		<b>PCW</b>																
<b>Respondent</b> Interglobe Trade Channel, Inc. dba Dossani Food Mart		<i>Policy Revision 2 (September 2002)</i>																		
<b>Case ID No.</b> 34736		<i>PCW Revision September 19, 2007</i>																		
<b>Reg. Ent. Reference No.</b> RN101572444																				
<b>Media [Statute]</b> Petroleum Storage Tank																				
<b>Enf. Coordinator</b> Judy Kluge																				
<b>Violation Number</b>		<input type="text" value="10"/>																		
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 115.242(1)(C) and (9) and Tex. Health & Safety Code § 382.085(b)																		
<b>Violation Description</b>		Failed to upgrade the Stage II equipment to Onboard Refueling Vapor Recovery (ORVR) compatible systems. Also, failed to post operating instructions conspicuously on the front of each gasoline dispensing pump.																		
<b>Base Penalty</b>				<input type="text" value="\$10,000"/>																
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
<b>OR</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <td><b>Release</b></td> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td><b>Actual</b></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td><b>Potential</b></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td><input type="text"/></td> </tr> </table>					Harm			<b>Release</b>	Major	Moderate	Minor	<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Potential</b>	<input type="text"/>	x	<input type="text"/>
		Harm																		
	<b>Release</b>	Major	Moderate	Minor																
	<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>																
<b>Potential</b>	<input type="text"/>	x	<input type="text"/>																	
<b>Percent</b> <input type="text" value="10%"/>																				
<b>&gt;&gt; Programmatic Matrix</b>																				
<b>Matrix Notes</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>					Falsification	Major	Moderate	Minor	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>							
		Falsification	Major	Moderate	Minor															
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																
	<b>Percent</b> <input type="text" value="0%"/>																			
Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.																				
<b>Adjustment</b>				<input type="text" value="\$9,000"/>																
				<input type="text" value="\$1,000"/>																
<b>Violation Events</b>																				
<b>Number of Violation Events</b>		<input type="text" value="1"/>	<input type="text" value="43"/>	<b>Number of violation days</b>																
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>																	
	monthly	<input type="text"/>																		
	quarterly	x																		
	semiannual	<input type="text"/>																		
	annual	<input type="text"/>																		
	single event	<input type="text"/>																		
One quarterly event is recommended based on documentation of the violation during the August 21, 2007 investigation to the October 3, 2007 screening date.																				
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>																	
<b>Estimated EB Amount</b>		<input type="text" value="\$39"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$1,444"/>																	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$1,444"/>																	



## Economic Benefit Worksheet

**Respondent** Interglobe Trade Channel, Inc. dba Dossani Food Mart  
**Case ID No.** 34736  
**Reg. Ent. Reference No.** RN101572444  
**Media** Petroleum Storage Tank  
**Violation No.** 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

ORVR Upgrade	\$3,450	21-Aug-2007	11-Oct-2007	0.1	\$2	\$32	\$34
Buildings				0.0	\$0	\$0	\$0
Post Operating Instructions	\$100	21-Aug-2007	3-May-2008	0.7	\$0	\$5	\$5
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost to upgrade the Stage II equipment to ORVR compatible systems. The date required is the investigation date and the final date is the compliance date. Estimated cost to post operating instructions on the dispensers. The date required is the investigation date and the final date is the expected compliance date.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$3,550

TOTAL \$39

# Compliance History

Customer/Respondent/Owner-Operator:	CN603243882	Interglobe Trade Channel, Inc.	Classification: POOR	Rating: 53.40
Regulated Entity:	RN101572444	DOSSANI FOOD MART	Classification: POOR	Site Rating: 53.40
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION		REGISTRATION	53419
Location:	601 S DENTON DR, LAKE DALLAS, TX, 75065		Rating Date: 9/1/2007	Repeat Violator? No
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	October 03, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	October 03, 2002 to October 03, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Judy Kluge	Phone:	817-588-5825	

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Interglobe Trade Channel, Inc.
4. If Yes, who was/were the prior owner(s)? Texmich, Inc.
5. When did the change(s) in ownership occur? 04/11/2003

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 08/29/2003

ADMINORDER 2002-0133-PST-E

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.242(9)[G]

Description: Failure to post operating instructions conspicuously on the front of each dispenser equipped with a Stage II system.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.246(1)

Description: Failure to maintain a copy of the California Air Resources Board Executive Orders for the Stage II vapor recovery system and any related components installed at the facility.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.246(3)

Description: Failure to maintain a record of maintenance conducted on any part of the Stage II equipment.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.246(5)

Description: Failure to maintain a record of the results of testing conducted at the facility according to 115.245.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.244(1)

30 TAC Chapter 115, SubChapter C 115.244(2)

Description: Failure to conduct daily inspections for the Stage II vapor recovery system.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.244(3)

Description: Failure to conduct a monthly inspection of the components listed in 115.242(3)(J).

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.245(1)[G]

Description: Failure to successfully complete all applicable tests required in the TNRCC Stage II Vapor Recovery Test Procedure Handbook within 30 days of installation, modification, or major system modification of the Stage II equipment.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.248(1)[G]

Description: Failure to ensure at least one facility representative receive training and instruction in the operation and maintenance of the Stage II vapor recovery system by successfully completing a training course approved by the TNRCC.

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter A 334.8(c)(4)(B)

Description: Failure to complete an Underground Storage Tank and Self-Certification form with all the applicable information requested on the agency's authorized form.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 02/25/2003 (276002)

2 08/19/2004 (288058)

3 02/13/2006 (451862)

5 09/28/2006 (510837)

6 09/27/2007 (573651)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 02/25/2003 (276002)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 37, SubChapter I 37.815(a)[G]

30 TAC Chapter 37, SubChapter I 37.815(b)[G]

Description: Failure to provide acceptable financial assurance

Date: 02/13/2006 (451862)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.246(7)(A)

Description: Failure to maintain records on-site at facilities ordinarily manned during business hours, and made immediately available for review upon request by authorized representatives of the Texas Commission on Environmental Quality (TCEQ), the U.S. Environmental Protection Agency (EPA), or any local air pollution control prog

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)[G]

Description: Failure to verify proper operation of the Stage II equipment at least once every 12 months or upon major system replacement or modification, whichever occurs first. The verification shall include all functional tests that were required for the initial system test, except for TXP-101 (Vapor Space Manifold), and TXP-103

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(A)

Description: Failure to provide and maintain the Stage II vapor recovery system in proper operating condition, as specified by California Air Resources Board (CARB) Executive Order(s), and free of defects that would impair the effectiveness of the system, including the absence or disconnection of any component that is a part of the

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING

INTERGLOBE TRADE CHANNEL,  
INC. AKA F & H STATION, INC.  
DBA DOSSANI FOOD MART;  
RN101572444

§  
§  
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BEFORE THE

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2007-1600-PST-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Interglobe Trade Channel, Inc. aka F & H Station, Inc. dba Dossani Food Mart ("Dossani Food Mart") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Dossani Food Mart appear before the Commission and together stipulate that:

1. Dossani Food Mart owns and operates a convenience store with retail sales of gasoline located at 601 South Denton Drive, Lake Dallas, Denton County, Texas (the "Station").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 26 and TCEQ rules.
3. The Commission and Dossani Food Mart agree that the Commission has jurisdiction to enter this Agreed Order, and that Dossani Food Mart is subject to the Commission's jurisdiction.
4. Dossani Food Mart received notice of the violations alleged in Section II ("Allegations") on or about October 3, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Dossani Food Mart of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of twenty-seven thousand four hundred thirty dollars (\$27,430.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Dossani Food Mart paid nine hundred seventy dollars (\$970.00) of the administrative penalty. The remaining amount of twenty-six thousand four hundred sixty dollars (\$26,460.00) of the administrative penalty shall be payable in 35 monthly payments of seven hundred fifty-six dollars (\$756.00) each, pursuant to 30 TEX. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Dossani Food Mart fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Dossani Food Mart's failure to meet the payment schedule of this Agreed Order constitutes the failure by Dossani Food Mart to timely and satisfactorily comply with all of the terms of this Agreed Order.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Dossani Food Mart agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Dossani Food Mart implemented the following corrective measures at the Station in response to this enforcement action:
  - a. Successfully conducted the required piping tightness and line leak detector tests as of August 24, 2007;
  - b. Submitted an amended registration and obtained a TCEQ delivery certificate on August 24, 2007;
  - c. Provided the TCEQ Dallas/Fort Regional Office Stage II records including a copy of the Stage II daily inspection logs as of September 19, 2007;
  - d. Completed Station representative training, and all current employees received in-house Stage II vapor recovery training as of September 28, 2007;
  - e. Successfully conducted the required annual testing of the Stage II equipment as of October 11, 2007; and

- f. Upgraded the Stage II equipment to onboard refueling vapor recovery ("ORVR") compatible systems on October 11, 2007.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Dossani Food Mart has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

- 1. During an investigation conducted on August 21, 2007, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Dossani Food Mart violated:
  - a. 30 TEX. ADMIN. CODE § 334.50(a)(1)(A), (b)(2), and (b)(2)(A)(i)(III), and TEX. WATER CODE § 26.3475(a) and (c)(1), by failing to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances, failing to provide release detection for the piping associated with the USTs, and failing to test the line leak detectors at least once per year for performance and operational reliability;
  - b. 30 TEX. ADMIN. CODE § 334.48(c), by failing to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel;
  - c. 30 TEX. ADMIN. CODE §§ 334.7(d)(3) and 334.8(c)(5)(B)(ii), by failing to provide an amended UST registration to the Commission for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition. Specifically, the Station's UST registration had not been updated to reflect the current owner of the UST system. Also, failing to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the Station's delivery certificate expired on April 30, 2007;

- d. 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a), by failing to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, review of the Station's fuel delivery manifests indicated that the Station had received eight deliveries of regulated substance without a delivery certificate;
- e. 30 TEX. ADMIN. CODE § 334.45(c)(3)(A), by failing to install an emergency shutoff valve (shear valve or impact valve) on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser. Specifically, the shear valves underneath all dispensers were not anchored;
- f. 30 TEX. ADMIN. CODE § 334.49(b)(2) and TEX. WATER CODE § 26.3475(d), by failing to provide corrosion protection to all underground components of an UST system which is designed or used to convey, contain, or store regulated substances. Specifically, there was no corrosion protection installed on the submersible pumps, which were completely full of groundwater;
- g. 30 TEX. ADMIN. CODE § 115.246(6) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain Stage II records at the Station and make them available for review upon request by agency personnel. Specifically, the daily inspection records for the Stage II Vapor Recovery System were not available;
- h. 30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to ensure that at least one Station representative received training in the operation and maintenance of the Stage II Vapor Recovery System, and each current employee receives in-house Stage II vapor recovery training regarding the purpose and correct operation of the vapor recovery equipment. Specifically, Stage II training for the Station representative and the employees had not been completed;
- i. 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to verify proper operation of the Stage II equipment at least once every 12 months. Specifically, the Stage II annual system compliance testing had not been conducted; and
- j. 30 TEX. ADMIN. CODE § 115.242(1)(C) and (9) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to upgrade the Stage II equipment to Onboard Refueling Vapor Recovery ("ORVR") compatible systems, and failing to post operating instructions conspicuously on the front of each gasoline dispensing pump.

### III. DENIALS

Dossani Food Mart generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Dossani Food Mart pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Dossani Food Mart's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Interglobe Trade Channel, Inc. aka F & H Station, Inc. dba Dossani Food Mart, Docket No. 2007-1600-PST-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. Dossani Food Mart shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, Dossani Food Mart shall:
    - i. Begin conducting effective manual or automatic inventory control procedures for all USTs, in accordance with 30 TEX. ADMIN. CODE § 334.48; and
    - ii. Ensure shear valves are installed and securely anchored at the base of each dispenser, in accordance with 30 TEX. ADMIN. CODE § 334.45.
  - b. Within 30 days after the effective date of this Agreed Order, Dossani Food Mart shall:
    - i. Implement a release detection method for all USTs at the Station, in accordance with 30 TEX. ADMIN. CODE § 334.50;



- ii. Ensure that corrosion protection is in place for all underground components of the underground UST system, in accordance with 30 TEX. ADMIN. CODE § 334.49; and
  - iii. Begin maintaining the Stage II vapor recovery system in proper operating condition, this shall include post operating instructions at each fueling point, in accordance with 30 TEX. ADMIN. CODE § 115.242.
- c. Within 45 days after the effective date of this Agreed Order, Dossani Food Mart shall submit written certification and detailed supporting documentation, including photographs, receipts, and /or other records, to demonstrate compliance with Ordering Provisions 2.a. and 2.b. above. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Dossani Food Mart shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provisions 2.a. and 2.b. above to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Sam Barrett, Waste Section Manager  
Dallas-Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

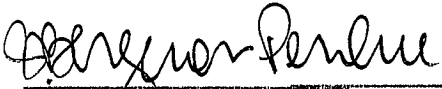
3. The provisions of this Agreed Order shall apply to and be binding upon Dossani Food Mart. Dossani Food Mart is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
4. If Dossani Food Mart fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Dossani Food Mart's failure to comply is not a violation of this Agreed Order. Dossani Food Mart shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Dossani Food Mart shall notify the Executive Director within seven days after Dossani Food Mart becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Dossani Food Mart shall be made in writing to the Executive Director. Extensions are not effective until Dossani Food Mart receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Dossani Food Mart in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Agreed Order to Dossani Food Mart, or three days after the date on which the Commission mails notice of this Agreed Order to Dossani Food Mart, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.


SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

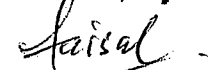
 8/2/2009  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on Dossani Food Mart's compliance history;
- Greater scrutiny of any permit applications submitted by Dossani Food Mart;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against Dossani Food Mart;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Dossani Food Mart; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

Faisal Dossani  
Name (Printed or typed)  
Authorized representative of  
Interglobe Trade Channel, Inc. aka  
F & H Station, Inc.  
dba Dossani Food Mart

7-21-09  
Date  
PRESIDENT.  
Title